IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.21504 of 2004

Between:

Shaik MOhd. Rafi, S/o. Saheb Peer Saheb,
R/o. 2-1024, Padmavathi nagar, Piler, Chittoor District.

..... PETITIONER

AND

1 The District Collector, Chittoor.
2 The Sub-Collector, Madanapalle, Chittoor District.
3 The Mandal Revenue Officer, Piller Mandal, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to pass an order or orders or direction mainly in nature of Writ of Mandamus by directing the respondents not to cancel the D-Form Patta granted to the petitioner vide proceedings AM NO.89-4-1405 dated
26-4-1996 and not to disturb the possession of the petitioner without initiating land acquisition proceedings.

Counsel for the Petitioner: Ms. C. PAVANI

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following:

ORDER:

This writ petition is filed seeking to direct the respondents not to cancel the D-Form patta granted to the petitioner vide proceedings
AM No.89-4-1405, dated 26.04.1996 and not to disturb his possession without initiating land acquisition proceedings.

The case of the petitioner is that as he is a landless poor person, he made an application for assignment of land and the then Mandal Revenue Officer of Piler Mandal assigned to him an extent of Ac.1.21 cents of land in Survey No.2021 of Doddipalli Village vide D – Form patta dated 26.04.1996. The grievance of the petitioner is that without canceling his D-Form patta and without resuming the land according to law, about 10 to 15 days prior to filing the writ petition, the subordinates of 3rd respondent came to his land, measured it and informed to him that they are going to change the nature of the land from agricultural to non-agricultural by canceling the assignments made earlier and to allot house site plots to third parties and demanded him to surrender the land. Hence the writ petition.

Heard the learned counsel for the petitioner and learned Government Pleader for Revenue.

Learned Government Pleader for Revenue, on instructions, submitted that an extent of Ac.1.21 cents in Survey No.2021 of Doddipalli village was assigned to the petitioner herein and there is no proposal as of now to cancel the said patta and if the land is found to be required for any public purpose in future the procedure will be followed as per law to resume the land.

In view of the clear admission made by the learned Government Pleader for Revenue that there is no proposal as of now to cancel the patta granted to the petitioner, I am of the considered opinion that on a mere apprehension that the respondents would cancel his D-Form patta, the petitioner filed the present writ petition. In that view of the matter, no orders need be passed in this writ petition.

Accordingly, the writ petition is closed at the stage of admission. However, it is made clear that in the event if any adverse order is passed against the petitioner, he is at liberty to challenge the same. No costs.

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(N.V. RAMANA, J)

Date: 06.12.2004

Nsr/Ksr

To

1 The District Collector, Chittoor.
2 The Sub-Collector, Madanapalle, Chittoor District.
3 The Mandal Revenue Officer, Piller Mandal, Chittoor District.

4 Two CCs to GP for Revenue, High Court of AP, Hyderabad (OUT)

5 Two CD copies.